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EXAMINER

JEAN GILLES, JUDE

ART UNIT PAPER NUMBER

2143

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/896,521

Applicant(s)

EL-GEHALY ET AL.

Examiner

Jude J. Jean-Gilles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on December 12th, 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This Action is in regards to the Reply received on 28 December, 2004.

Response to Amendment

2. This action is responsive to the application filed on December 28th, 2004. Claims 1-30 are pending, of which claims 1, 12, 21 and 25 are independent, no new claims have been added, and claims 1, 12, and 21-30 have been amended. Claims 1-30 represent a method and apparatus for a "Distributed Multipoint Conference"

3. Withdrawal of the rejection with respect to claim 21 requested by applicant's representative is respectfully granted. The foregoing amendments render moot the rejection of claims 3 and 4 under 35 U.S.C. § 112, second paragraph, as being indefinite.

4. Withdrawal of the rejection with respect to claims 21-30 requested by applicant's representative is respectfully granted. The foregoing amendments render moot the rejection of claims 3 and 4 under 35 U.S.C. § 101, as being directed to non-statutory subject matter.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 10, 12-14, 17-19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biggs et al (Biggs) U.S. Patent No. 5,625,407, in view of Shaffer et al (Shaffer), U.S. Patent No. 6,738,343.

Regarding claim 1: Biggs teaches the invention substantially as claimed. Biggs discloses a method comprising: establishing a connection between a plurality of endpoints, including at least a requesting endpoint and one or more other participating endpoints;

initiating a connection from the requesting endpoint to at least a third endpoint, the requesting endpoint identifying to the third endpoint the one or more other participating endpoints (column 3, lines 7-12, 21-23, 30-33; column 9, lines 36-43); and

establishing a connection between the third endpoint and the one or more other participating endpoints identified by the requesting endpoint, the third endpoint identifying the requesting endpoint to the one or more other participating endpoints (column 3, lines 7-12, 21-23, 30-33; column 9, lines 36-43).

While Biggs teaches the method above, Biggs fails to specifically disclose a method for setting up a distributed multipoint conference among three or more endpoints without requiring centralized control either for signaling or for mixing media streams; and the third endpoint directly establishing a connection between itself and the one or more other participating endpoints.

In the same field of endeavor, Shaffer discloses a method in which "...a call payload is then established directly between the endpoints..." [see *Shaffer*, column 6, lines 1-26].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Shaffer's teachings of a method to establish connection among many endpoints without requiring centralized control, with the teachings of Biggs, for the purpose of "*...providing the network with the ability to sustain if a gatekeeper fails and in that signaling is to be handled through the direct signaling...*" as stated by Shaffer lines 14-20 of column 2. By this rationale **claim 1** is rejected.

Regarding claim 2: the combination of Biggs-Shaffer discloses the method of claim 1 in which the connections between endpoints comprise connections that support unicast streams [see Biggs; column 3, lines 8-20; column 5, lines 15-20; fig. 6, item 605]. The same motivation that was used for claim 1 is also valid for claim 2 [see *Shaffer, column 2, lines 14-20*]. By this rationale, **claim 2** is rejected.

Regarding claim 3: the combination of Biggs-Shaffer discloses the method of claim 1 further comprising at each of the endpoints, mixing streams received from each of the other endpoints to form a logical conference [see Biggs; column 8, lines 52-58; column 3, lines 25-28]. The same motivation that was used for claim 1 is also valid for claim 2 [see *Shaffer, column 2, lines 14-20*]. By this rationale, **claim 3** is rejected.

Regarding claim 4: the combination of Biggs-Shaffer discloses the method of claim 1 further comprising, in response to the initiation of the connection from the requesting endpoint, establishing a connection from the third endpoint to the requesting endpoint [see Biggs; column 6, lines 12-14; column 9, lines 36-43]. The same

motivation that was used for claim 1 is also valid for claim 4 [see *Shaffer, column 2, lines 14-20*]. By this rationale, **claim 4** is rejected.

Regarding claim 10: the combination of Biggs-Shaffer discloses the method of claim 1 in which the initiating and establishing are repeated to form an N-way conference, where N is an integer greater than three [see Biggs; fig. 2, item 212; column 2, lines 52-55]. The same motivation that was used for claim 1 is also valid for claim 10 [see *Shaffer, column 2, lines 14-20*]. By this rationale, **claim 10** is rejected.

Regarding claim 12: the combination of Biggs-Shaffer discloses a method of facilitating a multipoint conference among three or more endpoints, the method comprising:

receiving from an requesting endpoint information comprising an invitation to establish a connection with the requesting endpoint, the invitation identifying one or more other participating endpoints participating in a conference with the requesting endpoint [See Biggs; column 3, lines 7-12, 21-23, 30-37; column 9, lines 36-43]; and

directly sending to each of the other participating endpoints identified by the requesting endpoint an invitation to establish a connection and information identifying the requesting endpoint [see Biggs; column 3, lines 7-12, 21-23, 30-33; column 9, lines 36-43]. The same motivation that was used for claim 1 is also valid for claim 12 [see *Shaffer, column 2, lines 14-20*]. By this rationale, **claim 12** is rejected.

Regarding claim 13: the combination of Biggs-Shaffer discloses the method of claim 12 further comprising, in response to receiving an invitation from the requesting endpoint, establishing a connection with the requesting endpoint [see Biggs; column 3,

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lines 30-37]. The same motivation that was used for claim 1 is also valid for claim 13 [see *Shaffer, column 2, lines 14-20*]. By this rationale, **claim 13** is rejected.

Regarding claim 14: the combination of Biggs-Shaffer discloses the method of claim 13 in which establishing the connection with the requesting endpoint is order independent from sending invitations to each of the other participating endpoints identified by the requesting endpoint [see Biggs; column 3, lines 29-37]. The same motivation that was used for claim 1 is also valid for claim 14 [see *Shaffer, column 2, lines 14-20*]. By this rationale, **claim 14** is rejected.

Regarding claim 17: the combination of Biggs-Shaffer discloses the method of claim 12 further comprising, in response to sending invitations to the other participating endpoints, receiving from each of the other participating endpoints information establishing a connection [see Biggs; column 3, lines 24-28]. The same motivation that was used for claim 1 is also valid for claim 14 [see *Shaffer, column 2, lines 14-20*]. By this rationale, **claim 14** is rejected.

Regarding claim 18: the combination of Biggs-Shaffer discloses the method of claim 12 further comprising mixing a plurality of unicast streams received from the inviting and other participating endpoints to form a logical conference [see Biggs; column 8, lines 54-58; column 3, lines 7-20]. The same motivation that was used for claim 1 is also valid for claim 18 [see *Shaffer, column 2, lines 14-20*]. By this rationale, **claim 18** is rejected.

Regarding claim 19: the combination of Biggs-Shaffer discloses the method of claim 18 in which the plurality of unicast streams include voice data or video data or

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both [see Biggs; column 8, lines 52-54; column 3, lines 7-20]. The same motivation that was used for claim 1 is also valid for claim 19 [see *Shaffer, column 2, lines 14-20*]. By this rationale, **claim 19** is rejected.

Regarding claim 21: the combination of Biggs-Shaffer discloses a machine-accessible medium including instructions that, when executed, cause a machine to:

directly receive from an requesting endpoint information comprising an invitation to establish a connection with the requesting endpoint and identifying one or more other endpoints participating in a conference with the requesting endpoint [see Biggs; column 3, lines 7-12, 21-23, 30-37; column 9, lines 36-43];

directly establish a connection with the requesting endpoint [see Biggs; column 9, lines 9-16; fig. 1; items 104, 106, 108, 146, 138, 134, 118];

directly send to each of the other endpoints identified by the requesting endpoint an invitation to establish a connection and information identifying the requesting endpoint [see Biggs; column 3, lines 7-12, 21-23, 30-33; column 9, lines 36-43];

directly receive from each of the other endpoints information establishing a connection [see Biggs; column 3, lines 30-37]; and

mix a plurality of unicast streams received from the inviting and other endpoints to form a logical conference [see Biggs; column 8, lines 54-58; column 3, lines 7-20]. The same motivation that was used for claim 1 is also valid for claim 13 [see *Shaffer, column 2, lines 14-20*]. By this rationale, **claim 21** is rejected.

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9. Claims 25-27, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirni et al (Hirni) U.S. Patent No. 6,731,609 B1 in view of Shaffer et al (Shaffer), U.S. Patent No. 6,738,343.

Regarding claim 25: Hirni teaches the invention substantially as claimed. Hirni discloses a system comprising:

a user interface configured to receive from a user of the application input identifying one or more endpoints to be called to form a conference and to present a plurality of media streams to the user in a format that suggests inter-relatedness of the streams (column 4, lines 66-67; column 5, lines 1-8, fig. 12c, items 62, 180; *Note that the GUI receives call related information and issue commands to manipulate calls*); and

H.323 protocol support for performing the following Internet Protocol (IP) telephony operations:

(i) receive from an requesting endpoint information comprising an invitation to establish a connection with the requesting endpoint and identifying one or more other endpoints participating in a conference with the requesting endpoint (column 1, lines 66-67; column 2, lines 1-3 ; *Note that in the alerting state, a connection is trying to contact a device as in lines 65-66 of column 5*);

(ii) establish a connection with the requesting endpoint (column 2, lines 3-5);

(iii) send to each of the other endpoints identified by the requesting endpoint an invitation to establish a connection and information identifying the requesting endpoint (column 6, lines 65-67; *Note that in the connecting state, an*

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associated device is an active call participant, i.e. transmitting multimedia protocol and data packets as in lines 65-67 of column 5);

(iv) receive from each of the other endpoints information establishing a connection (column 7, lines 1-3); and

(v) mix a plurality of unicast streams received from the inviting and other endpoints to form a logical conference (column 13, lines 30-42; fig 12a-c; items 50, 60, 62, step 182. *Note that to establish the conference call, the process selects one of the existing calls and to build the conference call around that call. The select call can be active or logical).*

While Hirni teaches the method above, Hirni fails to specifically disclose a method for setting up a distributed multipoint conference among three or more endpoints without requiring centralized control either for signaling or for mixing media streams; and the third endpoint directly establishing a connection between itself and the one or more other participating endpoints.

In the same field of endeavor, Shaffer discloses a method in which "...a call payload is then established directly between the endpoints..." [see *Shaffer, column 6, lines 1-26*].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Shaffer's teachings of a method to establish connection among many endpoints without requiring centralized control, with the teachings of Hirni, for the purpose of "...providing the network with the ability to sustain if a gatekeeper fails and in that signaling is to be handled through the

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direct signaling...” as stated by Shaffer lines 14-20 of column 2. By this rationale **claim 25** is rejected.

Regarding claim 26: the combination of Hirni-Shaffer discloses the application of claim 25 wherein the application comprises a client application configured to be executed on a computer system associated with the user, the client configured to communicate with a remote server application to provide the user with IP telephony functionality [see Hirni; column 44, lines 44-59; fig.15, items 14, 32, 54, 396, 390]. The same motivation that was used for claim 25 is also valid for claim 26 [see *Shaffer, column 2, lines 14-20*]. By this rationale, **claim 26** is rejected.

Regarding claim 27: the combination of Hirni-Shaffer discloses the application of claim 25 wherein, if two or more of the unicast streams comprise audio information, the user interface is configured to overlay the audio streams to suggest inter-relatedness [see Hirni; column 15, lines 21-40]. The same motivation that was used for claim 25 is also valid for claim 26 [see *Shaffer, column 2, lines 14-20*]. By this rationale, **claim 29** is rejected.

Regarding claim 29: the combination of Hirni-Shaffer discloses the application of claim 25 in which the H.323 protocol support for receiving an invitation from the requesting endpoint comprises support to receive an H.323 setup request message that identifies the one or more other endpoints in a non-standard parameter field [see Hirni; column 12, lines 54-67]. The same motivation that was used for claim 25 is also valid for claim 29 [see *Shaffer, column 2, lines 14-20*]. By this rationale, **claim 29** is rejected.

Regarding claim 30: the combination of Hirni-Shaffer discloses the application of claim 25 in which the H.323 protocol support for sending an invitation to each of the other endpoints identified by the requesting endpoint comprises support to send an H.323 setup request message that identifies the requesting endpoint in a non-standard parameter field [see Hirni; column 12, lines 54-67]. The same motivation that was used for claim 25 is also valid for claim 30 [see *Shaffer, column 2, lines 14-20*]. By this rationale, **claim 30** is rejected.

7. Claims 5-8, 11, 15-16, 20, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biggs et al (Biggs) U.S. Patent No. 5,625,407, in view of Shaffer et al (Shaffer), U.S. Patent No. 6,738,343; in further view of Hirni et al (Hirni) U.S. Patent No. 6,731,609 B1.

Regarding claim 5: the Combination Biggs-Shaffer teaches the method of claim 1, but fails to disclose a method in which initiating a connection comprises sending an H.323 setup request message that includes an identity of the one or more other participating endpoints.

Hirni et al (column 14, lines 35-46) teach "*an interface for performing the call setup of the H.323 calls*". Hirni et al further discloses that "*the component interface also delivers to the call control the remote extension address, destination address information, or source IP address on call setup*".

It would have been obvious for an ordinary skill in the art at the time of applicant's invention to use the method to establish a connection to a plurality of

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endpoints of Biggs et al and incorporate Hirni et al's method to initiate a connection by sending an H.323 setup request to "*manage connection setup and breakdown*" as stated by Hirni et al in column 14 line 39.

Hirni et al teach that it is old and well known in the networking art to get the advantage of using a method to initiate a connection by sending an H.323 setup request to enhance network management. An artisan in the networking art at the time of the invention would have been motivated to include the method to initiate a connection to get this advantage in a network environment. By this rationale **claim 5** is rejected.

Regarding claim 6: The combination of Biggs and Hirni teaches all the limitations of claim 5. Hirni et al further teach a method in which sending the H.323 setup request message comprises formatting the H.323 setup request message to include the identity of the one or more other participating endpoints in a non-standard parameter field of the H.323 message. Hirni et al (column 40, lines 63-67; fig. 3, item 50, 58) disclose an "*H.323 request message through "a call context data delivered transparently in a correlator data field"*" which identifies the one or more participating endpoints.

It would have been obvious for an ordinary skill in the art at the time of applicant's invention to use the method to establish a connection to a plurality of endpoints of Biggs et al and incorporate Hirni et al's method to initiate a connection by sending an H.323 setup request to include the identity of the one or more other participating endpoints in a non-standard parameter field of the H.323 message.

Hirni et al teach that it is old and well known in the networking art to get the advantage of using a method to initiate a connection by sending an H.323 setup request to enhance network traffic and management. An artisan in the networking art at the time of the invention would have been motivated to include the method to initiate a connection to get this advantage in a network environment.

Regarding claim 7: Biggs et al teach the method of claim 1 but differs from the current invention in that it does not teach a method in which establishing the connection between the third endpoint and the one or more other participating endpoints comprises sending an H.323 setup request message that includes an identity of the requesting endpoint.

Hirni et al (column 5, lines 40-41) disclose a *“that the call context can include the IP address of the caller system and a destination type”* within the H.323 setup request.

It would have been obvious for an ordinary skill in the art at the time of applicant's invention to use the method to establish a connection to a plurality of endpoints of Biggs et al and incorporate Hirni et al's method to establish a connection by sending an H.323 setup request message with an identity of the requesting endpoint to enhance data traffic in the network.

Hirni et al teach that it is old and well known in the networking art to get the advantage of using a method to initiate a connection by sending an H.323 setup request to enhance network traffic and management. An artisan in the networking art at the time of the invention would have been motivated to include the method to establish a connection to get this advantage in a network environment.

Regarding claim 8: The combination of Biggs et al and Hirni et al teach all the limitations of the method of claim 7. Hirni et al further disclose a method in which sending the H.323 setup request message comprises formatting the H.323 setup request message to include the identity of the requesting endpoint in a non-standard parameter field of the H.323 message. Hirni et al (column 40, lines 63-67) disclose a *"call context data delivered transparently in a correlator data field"* within the H.323 setup request.

It would have been obvious for an ordinary skill in the art at the time of applicant's invention to use the method to establish a connection to a plurality of endpoints of Biggs et al and incorporate Hirni et al's method to initiate a connection by sending an H.323 setup request to include the identity of the one or more other participating endpoints in a non-standard parameter field of the H.323 message.

Hirni et al teach that it is old and well known in the networking art to get the advantage of using a method to initiate a connection by sending an H.323 setup request to enhance network traffic and management. An artisan in the networking art at the time of the invention would have been motivated to include the method to initiate a connection to get this advantage in a network environment.

Regarding claim 11: Biggs et al teach a method by showing all the limitation of claim 1, but fail to disclose a method in which initiating a connection to a third endpoint is performed in response to input received from a user of an Internet Protocol telephony application.

Hirni et al (column 2, lines 33-40) in the same field of endeavor teach "a software that includes an application program interface, through which a telephony application program controls multimedia telephonic conferences, receives a command from said telephonic application program to control a conference between the caller and agent systems".

It would have been obvious for an ordinary skill in the art at the time of applicant's invention to use the method to initiate a connection to a plurality of endpoints by means of Biggs et al and incorporate Hirni et al's method to initiate a connection using IP telephony application to "*control multimedia telephonic conferences*" as stated by Hirni et al in column 2 line 38.

Hirni et al teach that it is old and well known in the networking art to get the advantage of using a method to initiate a connection by using an IP telephony application program to enhance network communications. An artisan in the networking art at the time of the invention would have been motivated to include the method to initiate a connection to get this advantage in a network environment.

Regarding claim 15: Biggs et al teach the method of claim 12, but fail to disclose a method in which receiving an invitation from the requesting endpoint comprises receiving an H.323 setup request message that identifies the one or more other participating endpoints in a non-standard parameter field.

Hirni et al (column 40, lines 63-67; fig. 3, item 50, 58) disclose an H.323 request message through "*a call context data delivered transparently in a correlator data field*" which identifies and receives an invitation from the one or more participating endpoints.

It would have been obvious for an ordinary skill in the art at the time of applicant's invention to use the method to facilitating a multipoint conference among three or more endpoints of Biggs et al and incorporate Hirni et al's method to receive an invitation through a H.323 setup request "*so that multimedia communication can flow between the endpoints*" as stated by Hirni et al in column 9, lines 52 and 53.

Hirni et al teach that it is old and well known in the networking art to get the advantage of using a method to receive an invitation through a H.323 setup request to enhance network communications. An artisan in the networking art at the time of the invention would have been motivated to include the method to receive an invitation to get this advantage in a network environment.

Regarding claim 16: Biggs et al teach the method of claim 12, but fail to disclose a method in which sending an invitation to each of the other participating endpoints identified by the requesting endpoint comprises sending an H.323 setup request message that identifies the requesting endpoint in a nonstandard parameter field.

Hirni et al (column 12, lines 52-67; column 40, lines 64-67; fig. 3, item 14, 50, 58) disclose an H.323 request message through "*a call context data delivered transparently in a correlator data field*" which identifies and sends an invitation to the one or more participating endpoints.

It would have been obvious for an ordinary skill in the art at the time of applicant's invention to use the method to facilitating a multipoint conference among three or more endpoints of Biggs et al and incorporate Hirni et al's method to send an

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invitation through a H.323 setup request "*so that multimedia communication can flow between the endpoints*" as stated by Hirni et al in column 9, lines 52 and 53.

Hirni et al teach that it is old and well known in the networking art to get the advantage of using a method to receive an invitation through a H.323 setup request to enhance network communications. An artisan in the networking art at the time of the invention would have been motivated to include the method to send an invitation to get this advantage in a network environment.

Regarding claim 20: Biggs et al teach the method of claim 12, but fail to disclose a method in which the receiving and sending are performed by an Internet Protocol telephony application.

Hirni et al (column 2, lines 33-40) in the same field of endeavor teach "*a software that includes an application program interface, through which a telephony application program controls multimedia telephonic conferences, receives a command from said telephonic application program to control a conference between the caller and agent systems*".

It would have been obvious for an ordinary skill in the art at the time of applicant's invention to use the method to initiate a connection to a plurality of endpoints by means of Biggs et al and incorporate Hirni et al's method of receiving and sending using IP telephony application to "control multimedia telephonic conferences" as stated by Hirni et al in column 2 line 38.

Hirni et al teach that it is old and well known in the networking art to get the advantage of using a method to initiate a connection by using an IP telephony

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application program to enhance network communications. An artisan in the networking art at the time of the invention would have been motivated to include the method for sending and receiving connection request to get this advantage in a network environment.

Regarding claim 22: Biggs et al teach the machine accessible medium of claim 21, but fail to disclose a method in which the instructions to cause the computer system to receive an invitation from the requesting endpoint comprise instructions to receive an H.323 setup request message that identifies the one or more other endpoints in a non-standard parameter field.

Hirni et al (column 11, lines 28-43) in the same field of endeavor teach an *"Accept Call command instruction to answer a call in response to an Incoming Call event"*. Hirni et al further disclose (column 40, lines 64-66) a *"call context data in a correlator data field"* within the H.323 setup request to hold the above mentioned CTI (Computer Telephony Integration) request.

It would have been obvious for an ordinary skill in the art at the time of applicant's invention to use the computer software to send, receive and establish connection of Biggs et al and incorporate Hirni et al's computer command instructions to receive to perform a *"clear connection process"* between a plurality of endpoints.

Hirni et al teach that it is old and well known in the networking art to get the advantage of using computer software instructions to enhance network communications. An artisan in the networking art at the time of the invention would

have been motivated to include the method for receiving connection request to get this advantage in a network environment.

Regarding claim 23: Biggs et al teach the machine accessible medium of claim 21, but fail to disclose a method in which the instructions to cause the computer system to send an invitation to each of the other endpoints identified by the requesting endpoint comprise instructions to send an H.323 setup request message that identifies the requesting endpoint in a non-standard parameter field.

Hirni et al (column 11, lines 28-43) in the same field of endeavor teach “a *Place Call command instruction to establish a connection to the specified endpoint*”. Hirni et al further disclose (column 40, lines 64-66) a “*call context data in a correlator data field*” within the H.323 setup request to hold the above mentioned CTI (Computer Telephony Integration) request.

It would have been obvious for an ordinary skill in the art at the time of applicant's invention to use the computer software to send, receive and establish connection of Biggs et al and incorporate Hirni et al's computer command instructions to send requests to perform a “*clear connection process*” between a plurality of endpoints.

Hirni et al teach that it is old and well known in the networking art to get the advantage of using computer software instructions to enhance network communications. An artisan in the networking art at the time of the invention would have been motivated to include the method for sending connection request to get this advantage in a network environment.

Regarding claim 24: Biggs et al teach the machine accessible medium of claim 21, but fail to disclose a method in which the instructions are performed by an Internet Protocol telephony application.

Hirni et al (column 2, lines 9-11) in the same field of endeavor teach “a *command instruction to receive from the telephony application program through the application program interface to process the call according to the command*”.

It would have been obvious for an ordinary skill in the art at the time of applicant's invention to use the computer software to send, receive and establish connection of Biggs et al and incorporate Hirni et al's computer command instructions to send requests to perform a “*clear connection process*” between a plurality of endpoints.

Hirni et al teach that it is old and well known in the networking art to get the advantage of using computer software instructions to enhance network communications. An artisan in the networking art at the time of the invention would have been motivated to include the method for sending connection request to get this advantage in a network environment.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Biggs et al (Biggs) U.S. Patent No. 5,625,407, in view of Shaffer et al (Shaffer), U.S. Patent No. 6,738,343.; in further view of Levinson (Levinson) U.S. Patent No. 5,566,171

Regarding claim 9: the combination Giggs-Shaffer discloses the method of claim 1, but differ from the current invention in that it does not teach a method in which initiating a connection comprises using a Fast Connect procedure.

Levinson (column 10, lines 4-9) teaches "*the process for performing a Fast Connect sequence responsive to a state machine command having an op code value*".

It would have been obvious for an ordinary skill in the art at the time of applicant's invention to use the method to establish a connection to a plurality of endpoints of Biggs et al and incorporate Levinson's method to initiate a connection using a Fast Connect procedure to "*load the target endpoint data for connection*" as stated by Levinson in column 10 line 11.

Levinson teaches that it is old and well known in the networking art to get the advantage of using a method to initiate a connection with a Fast Connect procedure to improve network connection capabilities. An artisan in the networking art at the time of the invention would have been motivated to include the method to initiate a connection to get this advantage in a network environment. By this rationale, **claim 9** is rejected.

9. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hirni et al (Hirni) U.S. Patent No. 6,731,609 B1 in view of Shaffer et al (Shaffer), U.S. Patent No. 6,738,343; in further view of Tung et al (Tung) U.S. Patent No. 5,859,979.

Regarding claim 28: the combination Herni-Shaffer et al teach application to with a user interface to receive user input and a H.323 protocol support for performing IP telephony operations, but fail to teach an application wherein, if two or more of the unicast streams comprise video information, the user interface is configured to display the video streams in adjacent display regions to suggest inter-relatedness.

Tung et al (column 32, lines 4-7) teach "*the reception and display of remote video signals in the remote video window*" of specified stream groups.

It would have been obvious for an ordinary skill in the art at the time of applicant's invention to use the application of Herni et al and incorporate Tung et al's application to display the video streams in adjacent display regions to suggest inter-relatedness.

Tung et al teach that it is old and well known in the networking art to get the advantage of using a an application to display the video streams in adjacent display regions to control remote video streams. An artisan in the networking art at the time of the invention would have been motivated to include the display of video streams through the interface in adjacent display regions to get this advantage in a network environment. By this rationale **claim 28** is rejected.

Response to Arguments

10. Applicant's Request for Reconsideration filed on March 23rd, 2005 has been carefully considered but is not deemed fully persuasive. Applicant's arguments with respect to claims 1-30 have been carefully considered, but are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new ground of rejection as explained, necessitated by Applicant substantial amendment (*i.e., setting up a distributed multipoint conference among three or more endpoints without requiring centralized control either for signaling or for mixing media stream*) to the

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claims which significantly affected the scope thereof. However, because there exists the likelihood of future presentation of this argument, the Examiner thinks that it is prudent to address Applicants' main points of contention:

The Biggs and Hirni patents describe a system that requires a centralized device to coordinate exchanges between the various endpoints or participants in the conference whereas the invention describe a system for setting up distributed multipoint conference among three or more endpoints without requiring centralized control.

11. It is also the position of the Examiner that there is sufficient grounds reject the amended claims based on the fact that the Shaffer patent teaches ways to directly establish a connection between itself and other endpoints in the network. Applicant's arguments are deemed moot in view of the above stated new grounds of rejection [see *Shaffer, column 6, lines 1-26*].

12. The dependent claims stand rejected as articulated in the First Office Action and all objections not addressed in Applicant's response are herein reiterated.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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14. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3719.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

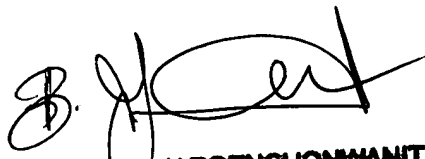
Jude Jean-Gilles

Patent Examiner

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JJG 

June 09, 2005


BUN JOE JAROENCHONWANIT
PRIMARY EXAMINER